

November 14, 2001

Jeffrey Carlisle  
Deputy Chief, Common Carrier Bureau  
Room 5-C356  
Federal Communications Commission  
445 12 St., S.W.  
Washington, D.C. 20554

**Re:    The Pay Telephone Reclassification and Compensation Provisions of the  
Telecommunications Act of 1996, CC Docket No. 96-128, NSD File No. 99-34**

Dear Mr. Carlisle:

Unless the Commission acts promptly, new tracking, reporting, and compensation requirements for payphone calls become effective November 23, 2001. The undersigned carriers have developed systems to meet these requirements, but one aspect of those new requirements is technically infeasible to implement. Specifically, for payphone calls that we route to resellers who re-originate the calls, we are unable to determine via answer supervision whether the call has been completed to the called party. Nonetheless, we are required to compensate payphone service providers for all completed calls. We understand the Commission may be considering the adoption of a call completion factor that could be used to determine the number of compensable calls from among those routed to resellers who re-originate calls. Such a factor or proxy would be a practical solution, at least as an interim measure, to avoid the administrative difficulties associated with determining fair payphone compensation for these re-originated platform calls and the needless litigation that otherwise will inevitably ensue.

The undersigned companies separately will be submitting call completion data for prepaid calling card calls in order to assist the Commission in the event it decides to adopt such a call completion factor or proxy. We recommend that if the Commission adopts a call completion factor, it should take the three steps outlined below to smooth implementation of a call completion factor system.

First, the Commission should immediately postpone the effective date of the carrier compensation rules adopted in the Second Order on Reconsideration until January 1, 2002.<sup>1</sup> Underlying carriers will need a minimum of five weeks to notify their reseller customers of the new requirements and do the operations work necessary to implement a call completion factor.

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<sup>1</sup> Interexchange carriers will require an appropriate postponement of the effective date of the payphone compensation rules in order to implement other interim solutions the Commission might adopt.

Second, the Commission should require switch-based resellers to provide underlying carriers a certified list, in appropriate format, of the platform numbers that are used to re-originate payphone calls, along with the account numbers associated with those numbers, no later than December 7, 2001, and to advise in writing of any changes 30 days before the end of each quarter. This information is needed so underlying carriers can properly apply the percentage completion factor to calls for which they receive answer supervision messages from the reseller's switch.

Third, the Commission should substitute the reporting requirements in American Public Communications (APCC's) Reply Comments, proposed Section 64.1310(a)(2) for the reporting requirements the Commission adopted in Section 64.1310(a) of the Second Order on Reconsideration. Most payphone service providers have agreed that these streamlined reporting requirements are sufficient when a fixed percentage factor is used to determine compensable platform-based calls.

Thank you for the interest you have shown in this matter to date. If you have any questions, or require further information, please do not hesitate to contact any of the parties.

Sincerely,

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